

Safety and Health Article - Alternative III
Environment, Safety, and Health Compliance
(5-99)

NOTE: The safety and health regulations and requirements of the Company and DOE shall include, without limitation, the Secretary of Labor's standards contained in 29 CFR Part 1910 and 1926 and such other provisions as may be contained in this subcontract relating to safety and health.

A. The Seller shall take all reasonable precautions in the performance of the work under this subcontract to protect the environment, safety and health of employees and members of the public. LMES shall notify the Seller, in writing, of any noncompliance with the provisions of this Article. After receipt of such notice, the Seller shall immediately take corrective action. In the event that the Seller fails to comply with said regulations and requirements, LMES may, without prejudice to any other legal or contractual rights of LMES, issue an order stopping all or any part of the work; thereafter, a start order for resumption of the work may be issued at the discretion of LMES. The Seller shall make no claim for an extension of time or for compensation or damages by reason of, or in connection with, such work stoppage.

B. Compliance Statement

The Seller shall possess and maintain an internal corporate Worker Protection Plan (WPP) which implements the OSHA requirements applicable to the normal course of the Seller's business. Prior to the start of work under this subcontract, the Seller shall provide to the ES&H Engineering and Contractor Support Group the compliance statement in the format specified herein certifying that the above WPP is in effect, and that the Seller's employees will comply with the WPP in the performance of the work under this subcontract. LMES reserves the right to request and review the Seller's WPP at any time. The WPP shall meet the following minimum requirements:

- (1) Management policies that provide for clear goals, responsibilities, authority, and accountability for meeting loss control objectives;
- (2) Implementation of applicable local, state, federal, environment, safety and health requirements that are relevant to the statement of work;
- (3) Employee guidance on internal engineering controls, precautions, and requirements on personal protective equipment (PPE) to minimize, control and/or prevent employee exposure to include equipment/property loss;
- (4) Task-level hazard identification and control measures that provide for safe work practices and employee training;
- (5) Hazard Communication Program. [Copies of Material Safety Data Sheets (MSDS) shall be provided to the ES&H Engineering and Contractor Support Group prior to bringing any chemicals on-site. In addition, the Seller shall provide to the ES&H Engineering and Contractor Support Group a current inventory on a monthly basis for chemicals stored on-site for thirty (30) or more days per EPCRA/CERCLA. All chemicals stored on-site shall follow NFPA storage guidelines.]

C. Environmental Compliance

The Seller shall comply with all applicable environmental protection laws, Executive Orders, ordinances, regulations, directives, and codes. Upon request, the Seller shall submit an Environmental Compliance Plan (ECP) outlining the methods proposed to address the environmental requirements specified in the statement of work. The ECP shall specify the person responsible for ensuring the requirements are met.

D. Site Reporting Requirements

The Seller shall report to the ES&H Engineering and Contractor Support Group all Site incidents (i.e., injuries, illnesses, fires, spills, near misses, property or equipment loss, etc.) for proper investigation and disposition.

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(Sample)

Seller's
Letterhead

Date: _____

Compliance Statement

(Subcontractor's name) has an internal Worker Protection Plan (WPP) that complies with the provision of this subcontract entitled Safety and Health Article - Alternative III. The plan reflects our ability to implement reasonable precautions in the performance of work under this subcontract to protect the environment, safety and health of employees, and members of the public.

(Subcontractor's name) will comply with all applicable local, state, and federal OSHA, regulatory requirements, and applicable Y12 ES&H requirements (e.g., S/RIDs, TLVs, PELs, etc.) as specified in subcontract package. Prior to the commencement of work, our employees and subcontractors will be trained in conformity with our WPP. Our work at Y12 will be performed in compliance with the plan while under subcontractor number _____/task order number _____.

The WPP is on file and will be located at the job-site anytime our employees are working at Y12. The WPP will be available for LMES review upon request.

Sincerely,

Name: _____

Title: _____